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Claim Rejections – 35 USC § 103

Claims 1 – 9, 11 – 14, 16 – 24, 26 – 29, 31 – 39, 41 – 44, 47 – 55, 57 – 60, 62, 63, 64 – 70, 72 – 75, 77 – 85, 87 – 90, and 92 were rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto (6,215,877 B1) in view of Foladare et al (6, 073, 235) and Punj et al (5, 150, 358). This rejection is respectfully traversed.

The Applicants' exemplary claim 1 sets forth:

"A method of managing virtual channels in a multicast session, the method comprising:

receiving a request from a requestor to join the multicast session for a time period;

selecting a virtual channel from a plurality of virtual channels for communications by the requestor in response to a desired time period of communication by the requestor;

forwarding a virtual channel key to the requestor; and

forwarding the virtual channel key to all members of the virtual channel."

Regarding claims 1, 17, 47, 48, 64, (and presumably claim 63), 78, and 79, the office action asserts that Matsumoto discloses receiving a request from a requestor to join the multicast session for a time period (column 6 lines 30 – 32) and assigning a virtual channel to the requestor based on the time period (column 10 lines 45 – 48). The Applicants disagree. Column 6 lines 30 – 32 and column 10 lines 45 – 48 are not found to teach or suggest the said request from a requestor to join a multicast session for a time period, or any assignment of a virtual channel based on the time period. The Office Action then correctly states that Matsumoto does not disclose the claimed forwarding the virtual channel key to all members of the virtual channel.

The Office Action then combines Foladare with Matsumodo in an attempt to assert that the combination suggests the claimed forwarding the virtual channel key to all members of the virtual channel.

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The Applicants disagree with this assertion and further point out that the combination fails to provide any further teaching or suggestion of the claimed elements of the Applicants' invention not suggested by Motsumoto, namely "receiving a request from a requestor to join the multicast session for a time period; and selecting a virtual channel from a plurality of virtual channels for communications by the requestor in response to a desired time period of communication by the requestor."

The Office Action then concedes that the combination of Matsumoto with Foladare fail to disclose using a desired time period of communication by the requestor as criteria to select a virtual channel from a plurality of virtual channels for communications.

The Office Action then asserts that "Punj discloses a system wherein a process selects the virtual channel depending on the rate of the requestor. Therefore, the higher rate that the requestor selects, for the virtual channel, the less the time period the same amount of data would require for transmission. Thus the virtual channel is selected depending on the time period."

First of all, the combination of Punj with Matsumoto and Foladare adds nothing more that would teach or suggest the Applicant's claimed "receiving a request from a requestor to join the multicast session for a time period; and selecting a virtual channel from a plurality of virtual channels for communications by the requestor in response to a desired time period of communication by the requestor." The queuing in Punj is not requested by the source.

Secondly, the Applicants disagree with the Office Action's assertion that a process that selects a channel depending on the rate of the requestor is equivalent to a process that selects a virtual channel for a time period. The Applicants see no relationship between data rates and when data transfers occur. Furthermore, the amount of time a data transfer takes depends not only on the data rate, but also on how much data is being transferred. Therefore, the Applicants assert

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that Matsumoto, Foladare, and Punj, taken alone or in combination, fail to teach or suggest the Applicant's claimed invention including the steps of "receiving a request from a requestor to join the multicast session for a time period; and selecting a virtual channel from a plurality of virtual channels for communications by the requestor in response to a desired time period of communication by the requestor." The Applicants therefore respectfully assert that Claim 1, and independent claims 17, 47, 63, and 78 having similar limitations are in condition for allowance. Furthermore, the Applicants respectfully assert that all claims dependent therefrom that were rejected over the combination of Matsumoto, Foladare, and Punj are allowable for the same reasons as set forth above for the independent claims from which they depend.

Claims 10, 15, 25, 30, 40, 45, 46, 56, 61, 71, 76, 86, and 91 were rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto, Foladare, and Punj and further in view of Kadansky (6,295,361 B1). These claims are all dependent upon the independent claims that the Applicant has asserted are allowable. Therefore, the Applicants respectfully assert that these claims are allowable as well.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Mary Steubing, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

5/24/04

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